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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,975	06/25/2003	Stephan de Clercq	81230.92US1	3750
34018	7590	05/11/2006	EXAMINER	
GREENBERG TRAURIG, LLP 77 WEST WACKER DRIVE SUITE 2500 CHICAGO, IL 60601-1732			YACOB, SISAY	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

8/1

Office Action Summary

Application No.

10/603,975

Applicant(s)

CLERCQ ET AL

Examiner

Sisay Yacob

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24, 29 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24, 29 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1 This communication is in response to applicant's amendment to a final office action, which was filed April 17, 2006.

2 Amendments and arguments to claims 1-29 and 31 have been entered and made of record in the application of Clercq et al., "Remote control with selective key illumination" filed on June 25, 2003.

Claims 1-24 and 31 are as previously presented.

Claim 29 has been amended.

Claim 25-28, 30 and 32-40 are cancelled.

Claims 1-24, 29 and 31 are pending.

Response to Arguments

3 Applicant's arguments with respect to the rejected claims 1-24, 29 and 31 under 35 U.S.C 102(b) and 35 U.S.C and 103(a) have been considered but are moot in view of the new ground(s) of rejection.

Specification

4 The abstract is amended to remove the phrase "the invention". The amendment to the abstract has been entered and made of record.

Rejections - 35 USC § 103

5 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6 The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7 Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent of Darbee et al., (6,278,499) in view of Acevedo (5,818,361).

8 As to claim 1, Darbee et al., discloses a remote control (Item 10 of figure 1) comprising a button having an associated means for indicating that the button may be operated to interact with interactive program content (Col. 3, lines 52-60; Col. 7, lines 9-14), a receiving circuit for accepting a transmission received from a source external to the remote control (Col. 3, lines 19-25, 42-51; Col. 4, lines 1-4), a controlling circuit (Item 28 of figure 2) linked to the receiving circuit (Items 34 and 48 of figure 2) and the means for indicating (Item 14 of figure 2) where the controlling circuit functions to activate the means for indicating in response to receipt of the transmission by the receiving circuit (Col. 4, lines 22-35), and a transmission circuit (Items 35 and 48 of figure 2) for transmitting a signal to a target external to the remote control in response to activation of the button (Col. 3, lines 52-60), however, Darbee et al., does not expressly disclose wherein the controlling circuit allows transmission of the signal to the target external to the remote control in response to activation of the button only when the means for indicating is activated. In the filed of display keyboard Acevedo discloses a button having an associated means for indicating that the button may be operated to interact with interactive program content (Col. 1, lines 64-67; Col. 4, lines 1-3; Item 12 of figure 1), wherein the controlling circuit allows transmission of the signal to the target external to the keyboard in response to activation of the button only when the means for indicating is activated (Col. 4, lines 3-53; Col. 5, lines 1-7).

It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the remote control of Darbee et al., by incorporating a button having an associated means for indicating that the button may be operated to interact with

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interactive program content, wherein the controlling circuit allows transmission of the signal to the target external to the remote control in response to activation of the button only when the means for indicating is activated (Col. 4, lines 36-39), as disclosed by Acevedo, in order to have a remote control comprising a button having an associated means for indicating that the button may be operated to interact with interactive program content, a receiving circuit for accepting a transmission received from a source external to the remote control, a controlling circuit linked to the receiving circuit and the means for indicating, where the controlling circuit functions to activate the means for indicating in response to receipt of the transmission by the receiving circuit, and a transmission circuit for transmitting a signal to a target external to the remote control in response to activation of the button wherein the controlling circuit allows transmission of the signal to the target external to the remote control in response to activation of the button only when the means for indicating is activated, because Darbee et al., discloses a remote control comprising a button having an associated means for indicating that the button may be operated to interact with interactive program content, a receiving circuit for accepting a transmission received from a source external to the remote control, a controlling circuit linked to the receiving circuit and the means for indicating where the controlling circuit functions to activate the means for indicating in response to receipt of the transmission by the receiving circuit, and a transmission circuit for transmitting a signal to a target external to the remote control in response to activation of the button and Acevedo discloses an electronic device that may be used as a remote input device comprising a button having an associated means for indicating that the button may be

operated to interact with interactive program content the controlling circuit allows transmission of the signal to the target external to the keyboard in response to activation of the button only when the means for indicating is activated.

9 As to claim 2, the remote control features as set forth above in claim 1, further, Darbee et al., discloses wherein the button is a hard button (Col. 4, lines 65-67; Item 15 of figure 1).

10 As to claim 3, the remote control features as set forth above in claim 1, further, Darbee et al., discloses wherein the button is a soft button (Col. 7, lines 3-14).

11 As to claim 4, the remote control features as set forth above in claim 1, further, Acevedo discloses wherein the means for indicating comprises a visual means (Col. 4, lines 36-39).

12 As to claim 5, the remote control features as set forth above in claim 4, further, Acevedo discloses wherein the visual means comprises a means for selectively modifying the appearance of the button (Col. 4, lines 36-53).

13 As to claim 6, the remote control features as set forth above in claim 5, further, Acevedo discloses selectively modifying the appearance of the button comprises

animating the button, illuminating the button, or changing the color of the button (Col. 4, lines 1-53).

14 As to claim 7, the remote control features as set forth above in claim 6, further, Acevedo discloses selectively modifying the appearance of the button is performed intermittently (Col. 4, lines 25-32).

15 As to claim 8, the remote control features as set forth above in claim 1, further, Acevedo discloses a label associated with the button indicating the nature of the functionality provided by the button (Col. 4, lines 1-24).

16 As to claim 9, the remote control features as set forth above in claim 8, further, Acevedo discloses wherein the label resides on the button (Col. 4, lines 1-11).

17 As to claim 10, the remote control features as set forth above in claim 8, further, Acevedo discloses wherein the label resides adjacent the button (Col. 4, lines 61-64).

18 As to claim 11, the remote control features as set forth above in claim 8, further, Acevedo discloses wherein the label comprises alphanumeric characters (Col. 4, lines 1-24).

19 As to claim 12, the remote control features as set forth above in claim 8, further, Acevedo discloses wherein the label comprises a graphical symbol (Col. 4, lines 1-24).

20 As to claim 13, the remote control features as set forth above in claim 1, further, Darbee et al., discloses wherein the receiving circuit comprises an IR receiver (Col. 4, lines 1-4; Col. 5, lines 3-7; Item 34 of figure 2).

21 As to claim 14, the remote control features as set forth above in claim 1, further, Darbee et al., discloses wherein the receiving circuit that comprises an RF receiver, however, applicant's admitted prior art discloses that RF transceivers are commonly used in the art of remote control (Item 48 of figure 2).

22 As to claim 15, the remote control features as set forth above in claim 1, further, Darbee et al., discloses wherein the transmitting circuit comprises an IR transmitter (Col. 5, lines 3-7; Item 35 of figure 2).

23 As to claim 16, the remote control features as set forth above in claim 1, further, Darbee et al., discloses wherein the transmitting circuit comprises an RF transmitter (Item 48 of figure 2).

24 As to claim 17, the remote control features as set forth above in claim 1, further, Darbee et al., discloses the signal comprises data for use in making a purchase,

answering questions, or initiating a multimedia program (Col. 3, lines 52-60; Col. 5, lines 31-34).

25 As to claim 18, Darbee et al., discloses a method for controlling operation of a remote control having a button and an associated means for indicating that the button may be operated to interact with interactive program content (Col. 3, lines 52-60; Col. 7, lines 9-14) comprising activating the means for indicating in response to a transmission received by the remote control from a source external to the remote control (Col. 3, lines 19-25, 42-51; Col. 4, lines 1-4), and allowing the remote control to transmit a signal in response to activation of the button (Col. 3, lines 52-60), however, Darbee et al., does not expressly disclose the method for controlling operation of a remote control only when the means for indicating is activated. Acevedo discloses a method for controlling operation of a button having an associated means for indicating that the button may be operated to interact with interactive program content (Col. 1, lines 64-67; Col. 4, lines 1-3; Item 12 of figure 1), and allowing the keyboard to transmit a signal in response to activation of the button only when the means for indicating is activated (Col. 4, lines 3-53; Col. 5, lines 1-7).

It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the method for controlling operation of a remote control of Darbee et al., by incorporating a method for controlling operation of a button having an associated means for indicating that the button may be operated to interact with interactive program content, and allowing the keyboard to transmit a signal in response

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to activation of the button only when the means for indicating is activated (Col. 4, lines 36-39), as disclosed by Acevedo, in order to have a method for controlling operation of a remote control having a button and an associated means for indicating that the button may be operated to interact with interactive program content comprising activating the means for indicating in response to a transmission received by the remote control from a source external to the remote control, and allowing the remote control to transmit a signal in response to activation of the button only when the means for indicating is activated, because Darbee et al., discloses a method for controlling operation of a remote control having a button and an associated means for indicating that the button may be operated to interact with interactive program content comprising activating the means for indicating in response to a transmission received by the remote control from a source external to the remote control, and allowing the remote control to transmit a signal in response to activation of the button and Acevedo discloses a method for controlling operation of a button having an associated means for indicating that the button may be operated to interact with interactive program content, and allowing the keyboard to transmit a signal in response to activation of the button only when the means for indicating is activated.

26 As to claim 19, the method features as set forth above in claim 18, further, Darbee et al., discloses the button is a hard button (Col. 4, lines 65-67; Item 15 of figure 1).

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27 As to claim 20, the method features as set forth above in claim 18, further, Darbee et al., discloses the button is a soft button (Col. 7, lines 3-14).

28 As to claim 21, the method features as set forth above in claim 18, further, Acevedo discloses the means for indicating comprises a visual means (Col. 4, lines 36-39).

29 As to claim 22, the method features as set forth above in claim 21, further, Acevedo discloses selectively activating the visual means to modifying the appearance of the button (Col. 4, lines 36-53).

30 As to claim 23, the method features as set forth above in claim 22, further, Acevedo discloses selectively activating the visual means to modifying the appearance of the button comprises animating the button, illuminating the button, or changing the color of the button (Col. 4, lines 1-53).

31 As to claim 24, the method features as set forth above in claim 22, further, Acevedo discloses selectively activating the visual means is performed intermittently (Col. 4, lines 25-32).

32 As to claim 29, Darbee et al., discloses a system for facilitating and encouraging user interaction with program content (Col. 3, lines 19-40, 52-60; Col. 7, lines 9-14) the

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system comprising an entertainment system for providing and displaying the program content (Col. 3, lines 61-67; Col. 4, lines 1-13), including a prompt which requests a response from the user (See figure 1), and for transmitting at least one instruction to the remote control (Col. 7, lines 7-14), and a remote control having at least one button (Col. 4, lines 65-67; Item 15 of figure 1), and a control command identifier further includes a command for restricting operation of the remote control such that only the at least one button indicated by the instruction may be operated, and wherein the command for restricting operation is activated for a preset time period (Col. 3, lines 42-51), however, Darbee et al., does not expressly disclose the remote control being responsive to the instruction for modifying the appearance of the at least one button in accordance with the instruction from a first displayed state to a second displayed state to indicate to the user that a response may be made to the prompt via operation of the at least one button while the appearance of the at least one button is in the second state, wherein the instruction comprises a data signal including at least a control command identifier for indicating that the instruction is a button based command, wherein the control command identifier further includes a command for restricting operation of the remote control such that only the at least one button indicated by the instruction may be operated, and wherein the command for restricting operation is activated for a preset time period. Acevedo discloses a system for facilitating and encouraging user interaction with program content, the keyboard being responsive to the instruction for modifying the appearance of the at least one button in accordance with the instruction from a first displayed state to a second displayed state to indicate to the user that a response may

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be made to the prompt via operation of the at least one button while the appearance of the at least one button is in the second state (Col. 1, lines 64-67; Col. 4, lines 1-3; Item 12 of figure 1), wherein the instruction comprises a data signal including at least a control command identifier for indicating that the instruction is a button based command (Col. 4, lines 3-53; Col. 5, lines 1-7).

It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the system for facilitating and encouraging user interaction with program content of Darbee et al., by incorporating a system for facilitating and encouraging user interaction with program content, the keyboard being responsive to the instruction for modifying the appearance of the at least one button in accordance with the instruction, wherein the instruction comprises a data signal including at least a control command identifier for indicating that the instruction is a button based command, as disclosed by Acevedo, in order to have a system for facilitating and encouraging user interaction with program content, the system comprising an entertainment system for providing and displaying the program content, including a prompt which requests a response from the user, and for transmitting at least one instruction to the remote control, and a remote control having at least one button, the remote control being responsive to the instruction for modifying the appearance of the at least one button in accordance with the instruction from a first displayed state to a second displayed state to indicate to the user that a response may be made to the prompt via operation of the at least one button while the appearance of the at least one button is in the second state, wherein the instruction comprises a data signal including at least a control

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command identifier for indicating that the instruction is a button based command, wherein the control command identifier further includes a command for restricting operation of the remote control such that only the at least one button indicated by the instruction may be operated, and wherein the command for restricting operation is activated for a preset time period, because Darbee et al., discloses a system for facilitating and encouraging user interaction with program content the system comprising an entertainment system for providing and displaying the program content, including a prompt which requests a response from the user, and for transmitting at least one instruction to the remote control, and a remote control having at least one button, and a control command identifier further includes a command for restricting operation of the remote control such that only the at least one button indicated by the instruction may be operated, and wherein the command for restricting operation is activated for a preset time period and Acevedo discloses Acevedo discloses a system for facilitating and encouraging user interaction with program content, the keyboard being responsive to the instruction for modifying the appearance of the at least one button in accordance with the instruction from a first displayed state to a second displayed state to indicate to the user that a response may be made to the prompt via operation of the at least one button while the appearance of the at least one button is in the second state, wherein the instruction comprises a data signal including at least a control command identifier for indicating that the instruction is a button based command.

33 As to claim 31, the system features as set forth above in claim 29, further, Acevedo discloses wherein the remote control has programming for selectively modifying the appearance of the at least one button by animating the button, illuminating the button, or changing the color of the button (Col. 4, lines 1-53).

Conclusion

34 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following cited arts are further to show the state of art related to Remote control with selective key illumination.

35 In the US Patent (6,794,992) Rogers discloses integrated remote control unit for operating a television and a video game unit with a transmitter that transmits a control signals to control the respective first and second applications and an illuminating display on the housing lights pushbuttons on the remote control unit, wherein only the subset of pushbuttons for controlling the second application of the electronic device are illuminated.

36 In the US Patent (7,003,598) Kavanagh discloses integrated remote control unit for operating a television and a video game unit with the remote control unit includes lights capable of selective illumination by the remote control unit, and wherein the method further includes the step of presenting, by the remote control unit, a visual

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prompt for a user-generated signal by selectively illuminating the lights of the remote control unit.

37 In the US Publication (20040263696) Rogers discloses integrated remote control unit for operating a television and a video game unit that employs an illuminating display on the housing lights pushbuttons on the remote control unit, wherein only the subset of pushbuttons for controlling the second application of the electronic device are illuminated.

38 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sisay Yacob whose telephone number is (571) 272-8562. The examiner can normally be reached on Monday through Friday 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery A. Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sisay Yacob

5/5/2006

S.Y.



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